

ALSTON & BIRD

90 Park Avenue
New York, NY 10016
212-210-9400 | Fax: 212-210-9444

Steven L. Penaro

Direct Dial: 212-210-9460

Email: steve.penaro@alston.com

June 25, 2024

VIA ECF AND E-MAIL

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007

Re: *Johnson v. Clearview AI, Inc., et al.*, Civil Action No. 1:23-cv-02441-KPF

Dear Judge Failla:

As the Court is aware, we represent Plaintiff Charles Johnson (“Plaintiff”) in the above referenced matter. We write in response to Defendants Clearview AI, Inc., Hoan Ton-That, and Richard Schwartz’s (collectively, “Defendants”) letter, dated June 24, 2024, regarding certain social media posts that Plaintiff has posted recently that are attached to Defendants’ letter as Exhibit A.

As we have previously notified the Court, this firm has, and continues to counsel Plaintiff against making any public statements about this litigation, the Defendants, and Defendants’ counsel. While we understand that these statements may be counter-productive, this Court has continuously recognized Plaintiff’s First Amendment rights (Dkt. No. 22) and “the limitations placed on [the Court’s] power by the First Amendment” (Dkt. No. 39). As such, we respectfully ask the Court to impose no further action at this time.

We appreciate the Court’s continued attention to this matter.

Respectfully Submitted,



Steven L. Penaro

cc: Counsel of Record (via ECF)